



Attorney's Docket No.: 06129-158001

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TC 3100 MAIL ROOM

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KEVIN H. GILLESPIE  
Serial No. : 09/788,147  
Filed : February 16, 2001  
Title : SHOE OUTSOLE

Art Unit : 3728  
Examiner : M. Patterson

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE

In response to the action mailed February 26, 2002, please amend the application as follows:

In the claims:

Please cancel claims 16 and 24.

Please amend claims 1-15 and 17-21 as follows:

*Sub 1*

A shoe comprising:

an outsole having an upper surface, a lower surface and a heel section, the upper surface being positioned closer to a wearer's foot when the shoe is worn, the outsole further having an aperture in the heel section extending from the upper surface to the lower surface; and

a resilient, flexible first cushion disposed on the upper surface of the member in the heel section, the first cushion being shaped to protrude through the aperture;

the lower surface including a recessed portion, disposed around the aperture, the recessed portion having sufficient depth so that a lower surface of the first cushion will not contact a walking surface when the wearer is walking.

*A1*

2. The shoe according to claim 1 wherein the outsole comprises rubber.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit May 23, 2002

Signature *Julia Decherty*

Typed or Printed Name of Person Signing Certificate Julia Decherty